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HUMAN RIGHTS COMMITTEE

Consideration of reports submitted by States parties
under article 40 of the Covenant

Concluding observations of the Human Rights Committee

LEBANON

1. The Committee examined the second periodic report of Lebanon (CCPR/C/42/Add.14) at its 1578th and 1579th meetings on 7 April 1997 and subsequently adopted* the following comments:

Introduction

2. The Committee welcomes the second periodic report submitted by the State party, although after a long delay, and appreciates the delegation's readiness to resume its dialogue with the Committee. The Committee regrets, however, that while the report provided some useful information on the general legislative framework of Lebanon, it did not deal consistently with the actual state of implementation of the Covenant, and only to a limited extent with the difficulties encountered in the course of its implementation. The Committee also considers that the report is too brief to provide a comprehensive overview of the implementation of Covenant guarantees by the State party. The Committee appreciated the presence of the delegation, which provided some helpful clarifications in responding to several of the Committee's questions.

* At the 1585th meeting (fifty-ninth session), held on 10 April 1997.

3. The Committee hopes that the present comments will assist the State party in the preparation of the third periodic report under article 40 of the Covenant, which should include substantive and thorough information on the issues identified as being of concern to the Committee in the following paragraphs.

Factors and difficulties affecting the implementation of the Covenant

4. The Committee notes that the conflict in Lebanon from 1975 to 1990 destroyed much of the country's infrastructure and caused considerable human suffering, as well as severe economic disruption and difficulties, which continue to restrict resources allocated to human rights. The Committee appreciates that the State party is not in a position to ensure that the provisions of the Covenant are effectively applied and respected throughout the territory, since the authorities have no access to the southern part of the country, which remains under Israeli occupation.

5. The Committee also notes that the process of national reconstruction remains handicapped by a number of factors, inter alia, by the fact that non-Lebanese military forces control parts of the State party's territory, which contributes to undermining the control of the central Government and may prevent the application of the State party's laws and the Covenant in the areas not under the Government's control.

Positive aspects

6. The Committee welcomes the State party's recent adoption of legislation designed to a certain extent to bring its legal system into line with Lebanon's obligations under international human rights instruments, in particular legislation designed to ensure the equality of rights and obligations between men and women.

7. The Committee appreciates the Government's readiness to reform the country's prison system, which, the delegation conceded, displays serious shortcomings, and welcomes the budgetary appropriations decided upon by the Government to this effect. It expresses the hope that the prison reform and renovation programme will be effected in as expeditious a manner as possible, so as to enable the State party to comply with articles 7 and 10 of the Covenant.

8. The Committee notes with appreciation the establishment of the Commission on Rules of Procedure and Human Rights (*Commission du reglement interieur et des droits de l'homme*), which examines certain legislative proposals in the light of their human rights implications and for their compatibility with human rights standards. The Committee also welcomes the establishment of a Constitutional Court (art. 19 of the Constitution).

Subjects of concern and the Committee's recommendations

9. The Committee considers that some aspects of the State party's legal system do not conform with the provisions of the Covenant. In this context, it points in particular to the fact that decisions passed by the Justice Council are not subject to appeal, which is contrary to article 14,

paragraph 5, of the Covenant. The Committee recommends that a comprehensive review be undertaken of the legal framework for the protection of human rights in the State party, to ensure compliance with all of the provisions of the Covenant. It further encourages the State party to consider the creation of the institution of a national ombudsman or of an independent national human rights commission, which would have authority to investigate human rights violations and to make recommendations on remedial action to the Government.

10. In respect of Decree-Law 102 of September 1983 and Decree 7988 of February 1996, the Committee notes with concern that the circumstances under which a state of emergency may be proclaimed and enforced in Lebanon are excessively broad and may be used to restrict the exercise of basic rights in an unjustifiable manner. The Committee also deplores that the State party has failed to observe its duties under article 4, paragraph 3, of the Covenant to notify the Secretary-General of the United Nations and through him other States parties to the Covenant of the proclamation of a state of emergency.

11. The Committee accordingly urges the State party to suspend the application of Decree-Law 102 and its implementation Decree, or to replace it by legislation which meets the requirements of article 4 of the Covenant. The Committee also recommends that all future proclamations of states of emergency be strictly limited in time and notified in scrupulous accordance with the requirements of article 4, paragraph 3, of the Covenant.

12. The Committee notes with concern the amnesty granted to civilian and military personnel for human rights violations they may have committed against civilians during the civil war. Such a sweeping amnesty may prevent the appropriate investigation and punishment of the perpetrators of past human rights violations, undermine efforts to establish respect for human rights, and constitute an impediment to efforts undertaken to consolidate democracy.

13. The Committee notes with concern that the role and respective competencies of the Lebanese internal security forces and the military, with respect to arrest, detention and interrogation of individuals, were not properly clarified by the delegation. The Committee regrets that the delegation did not provide information on the role and extent of the exercise of power regarding the arrest, detention and interrogation, as well as the possible transfer to Syria, of Lebanese citizens, by the Syrian security services which continue to operate within the State party's territory with the consent of the Government.

14. The Committee expresses concern about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians. It is also concerned about the procedures followed by these military courts, as well as the lack of supervision of the military courts' procedures and verdicts by the ordinary courts. The State party should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts.

15. More generally, the Committee expresses concern about the independence and impartiality of the State party's judiciary, and notes that the delegation

itself conceded that the procedures governing the appointment of judges and in particular members of the *Conseil Superieur de la Magistrature* were far from satisfactory. The Committee is also concerned that the State party does not, in many instances, provide citizens with effective remedies and appeal procedures for their grievances. The Committee therefore recommends that the State party review, as a matter of urgency, the procedures governing the appointment of members of the judiciary, with a view to ensuring their full independence.

16. The Committee expresses concern over well substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, the Lebanese security forces and non-Lebanese security forces operating within the State party's territory, the occurrence of arbitrary arrest and detention, searches operated without warrants, abusive treatment of individuals deprived of their liberty, and violations of the right to a fair trial. It has noted the delegation's statement that no such acts of torture and ill-treatment are committed by the Lebanese police and security forces; notwithstanding this statement, it urges the State party to investigate the credible allegations of instances of ill-treatment and torture which have been brought to the Committee's attention.

17. While welcoming the State party's intention to reform and modernize the prison system (see para. 7 above), credible and well substantiated reports of ill-treatment of prisoners and serious overcrowding of prisons, as well as the lack of clear segregation of minors and of adults and convicted detainees and those awaiting trial, continue to be a matter of concern to the Committee. The Committee regrets that the delegation was unable to provide further clarifications on the situation of female juvenile delinquents detained at Zahle prison.

18. While welcoming recent legislative amendments which eliminate some forms of discrimination against women, the Committee notes that both legal and de facto discrimination continue to be a matter of concern. It refers in this context to articles 487 to 489 of the Criminal Code, which impose harsher sentences for conviction of adultery on women than on men, to nationality laws and the law which may restrict the right to leave the country for spouses in the absence of the consent of their husband (para. 9 of the report). The Committee considers that these provisions, and others referred to in the report, are incompatible with articles 3 and 23 of the Covenant. The Committee is equally concerned about the compatibility of laws and regulations which do not allow Lebanese citizens to contract marriage other than in accordance with the laws and procedures of one of the recognized religious communities, and that these laws and procedures do not afford equality of rights to women.

19. Accordingly, the Committee recommends that the State party review its laws, especially those governing the status of women, women's rights and obligations in marriage and civil obligations, make appropriate amendments to them and take appropriate action to ensure full legal and de facto equality for women in all aspects of society. Accessible and effective remedies should be available in respect of all forms of discrimination. The Committee

recommends that in addition to the existing laws and procedures governing marriage, civil laws on marriage and divorce available to everyone should be introduced in Lebanon.

20. The Committee is deeply concerned at the Government's extension of the number of crimes carrying the death penalty, which, bearing in mind that article 6 of the Covenant limits the circumstances under which capital punishment may be imposed, suggesting that they be submitted to continuing review with a view to the abolition of capital punishment, is not compatible with that article.

21. The Committee therefore urges the State party to review its policy vis-à-vis capital punishment with a view, first, to its limitation and, ultimately, its abolition. It recommends that the State party include in its next periodic report a detailed list of all crimes for which the death sentence may be imposed, as well as a list of all cases in which the death sentence was pronounced and/or executed.

22. The Committee has noted with concern the difficulties faced by many foreign workers in Lebanon whose passports were confiscated by their employers. This practice, which the Government has conceded must be addressed more satisfactorily, is not compatible with article 12 of the Covenant. The Committee recommends that the State party take effective measures to protect the rights of these foreign workers by preventing such confiscation and by providing an accessible and effective means for the recovery of passports.

23. The Committee notes with concern that every Lebanese citizen must belong to one of the religious denominations officially recognized by the Government, and that this is a requirement in order to be eligible to run for public office. This practice does not, in the Committee's opinion, comply with the requirements of article 25 of the Covenant.

24. The Committee notes with concern that a number of provisions of the Media Law No. 382 of November 1994 and Decree No. 7997 of February 1996, on the basis of which the licensing of television and radio stations has been restricted to 3 and 11 stations, respectively, do not appear to be consistent with the guarantees enshrined in article 19 of the Covenant, as there are no reasonable and objective criteria for the award of licences. The licensing process has had the effect of restricting media pluralism and freedom of expression. In this context, the Committee also observes that the limitations placed on two different categories of radio and television stations - those that can broadcast news and political programmes and those which cannot - is unjustifiable under article 19.

25. The Committee therefore recommends that the State party review and amend the Media Law of November 1994, as well as its implementing decree, with a view to bringing it into conformity with article 19 of the Covenant. It recommends that the State party establish an independent broadcasting licensing authority, with the power to examine broadcasting applications and to grant licences in accordance with reasonable and objective criteria.

26. The Committee is concerned about the maintenance of the total ban on public demonstrations, which continues to be justified by the Government on

grounds of public safety and national security. This wholesale ban on demonstrations is not, in the Committee's opinion, compatible with the right to freedom of assembly under article 21 and should be lifted as soon as possible.

27. The Committee has noted that while legislation governing the incorporation and status of associations is on its face compatible with article 22 of the Covenant, de facto State party practice has restricted the right to freedom of association through a process of prior licensing and control. The delegation itself conceded that the practice of denying that registration took place is unlawful. The Committee also regrets that civil servants continue to be denied the right to form associations and to bargain collectively, in violation of article 22 of the Covenant.

28. The Committee therefore recommends that the State party ensure that the competent authorities adhere scrupulously to the provisions of the Statute on Incorporation of Associations. It further suggests that the Government review and ultimately lift its ban on the establishment of associations by civil servants.

29. The Committee recommends that the State party give serious and urgent consideration to ratifying, or acceding to, the first Optional Protocol to the Covenant, as a means of strengthening the system of guarantees for the protection of human rights.

30. The Committee recommends that more detailed information about specific laws and more concrete and factual information about the enjoyment of civil and political rights be provided by the Government of Lebanon in its next periodic report. In particular, it would appreciate information on whether domestic courts have given effect to the Covenant's guarantees in their decisions and on how potential conflicts between domestic statutes and Covenant guarantees have been resolved. This would enable the Committee to assess more accurately any progress made by the State party in the implementation of the Covenant.

31. The Committee recommends that information about the Covenant, and the Committee's present observations, be disseminated as widely as possible by the Lebanese authorities, and that the State party's next periodic report be widely publicized.